

United States of America, :
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 Plaintiff, :
 :
 v. : Case No. 2:12-cr-130(1)
 :
 : JUDGE JAMES L. GRAHAM
 Matthew Ryan Byrd, : Magistrate Judge Kemp
 :
 Defendant. :

The Court held a revocation hearing on December 17, 2012. Defendant stipulated to certain violations of his conditions of release. Following the taking of testimony, the Court revoked the order setting conditions of release and ordered the defendant detained pending sentencing. This order explains why.

There were two reasons for revoking the order setting conditions of release. First, the Court found that given the history of violations, it is not likely that Mr. Byrd would comply with future conditions, which is grounds for revocation under 18 U.S.C. §3148(b). Second, once a defendant is found guilty of the drug offense to which Mr. Byrd has pleaded guilty -

and that finding was made by Judge Graham on October 18, 2012 - revocation is mandatory under §3143(a)(2) unless certain conditions are satisfied, and those conditions (which include a recommendation from the government that no prison time be imposed) are not present here. Given these findings, the Court had no choice but to revoke release.

The defendant is advised of his right to seek review of this order by a United States District Judge pursuant to 18 U.S.C. §3145(b).

/s/ Terence P. Kemp
United States Magistrate Judge